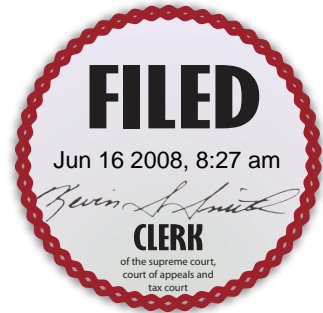


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



ATTORNEY FOR APPELLANT:

MICHAEL P. QUIRK
Public Defender
Muncie, Indiana

ATTORNEYS FOR APPELLEES:

STEVE CARTER
Attorney General of Indiana

SHELLEY M. JOHNSON
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

EVAN ERBY,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 18A02-0711-CR-977
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE DELAWARE CIRCUIT COURT
The Honorable Marianne L. Vorhees, Judge
Cause No. 18C01-0611-FB-36

June 16, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Evan Erby appeals his ten-year sentence for Armed Robbery as a Class B felony, contending the sentence is inappropriate because the trial court did not properly weigh the mitigating and aggravating factors. Our Supreme Court specifically rejected this argument in *Anglemyer v. State*, 868 N.E.2d 482, 491 (Ind. 2007) (“Because the trial court no longer has any obligation to ‘weigh’ aggravating and mitigating factors against each other when imposing a sentence, unlike the pre-Blakely statutory regime, a trial court can not now be said to have abused its discretion in failing to ‘properly weigh’ such factors.”)

Affirmed.

FRIEDLANDER, J., and BAILEY, J., concur.